

JOHN DILORENZO, JR., OSB #802040

johndilorenzo@dwt.com

AARON STUCKEY, OSB#954322

aaronstuckey@dwt.com

CHRIS SWIFT, OSB #154291

chrisswift@dwt.com

DAVIS WRIGHT TREMAINE LLP

1300 SW Fifth Avenue, Suite 2400

Portland, Oregon 97201

Telephone: (503) 241-2300

Facsimile: (503) 778-5299

CHARLES M. ENGLISH, JR., DCB #386572 (Pro Hac Vice)

chipenglish@dwt.com

DAVIS WRIGHT TREMAINE LLP

1919 Pennsylvania Avenue, Suite 800

Washington, D.C. 20006

Telephone: (202) 973-4272

Facsimile: (202) 973-4499

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

AT PORTLAND

MASONRY BUILDING OWNERS OF OREGON, an Oregon mutual benefit nonprofit corporation, FOUNTAIN VILLAGE DEVELOPMENT LLC, an Oregon limited liability company, and JIM A. ATWOOD, in his capacity as trustee of the Jim. A. Atwood Trust dated August 10, 2017,

PLAINTIFFS,

v.

TED WHEELER, in his official capacity as Mayor of the City of Portland and Commissioner in charge of the Bureau of Development Services, JOANNE HARDESTY, in her official capacity as Commissioner in charge of the Fire Bureau, and CITY OF PORTLAND, an Oregon municipal corporation,

DEFENDANTS.

Case No.: 3:18-cv-02194-AC

PLAINTIFFS' AMENDED MOTION FOR PRELIMINARY INJUNCTION

FED. R. CIV. P. 65

Oral Argument Requested

Page 1 – PLAINTIFFS’ AMENDED MOTION FOR PRELIMINARY INJUNCTION

LOCAL RULE 7-1 CERTIFICATION

Counsel for plaintiffs conferred with counsel for defendants about the subject of this amended motion on multiple occasions, but were unable to resolve the dispute. The Court has permitted the filing of this amended motion in its minute order of March 14, 2019, Dkt. 41.

AMENDED MOTION

Pursuant to Federal Rule of Civil Procedure 65, plaintiffs Masonry Building Owners of Oregon, Fountain Village Development LLC, and Jim A. Atwood, amend their original Motion for Preliminary Injunction, Dkt. 24, and now move this Court for a preliminary injunction enjoining Defendants from enforcing the City of Portland's Ordinance No. 189399, which amends City Code Chapter 24.85 "Seismic Design Requirements for Existing Buildings." This motion is supported by the memorandum in support and the declaration of Jeff Reingold filed herewith, the declarations of Chris Swift (Dkt. 26), Jim A. Atwood (Dkt. 27), John Beardsley (Dkt. 28), and Walt McMonies (Dkt. 29) filed in support of the original Motion for Preliminary Injunction, evidence that will be presented at the hearing, as well as the pleadings on file in this action.

DATED this 22nd day of March, 2019.

DAVIS WRIGHT TREMAINE LLP

By /s/ John DiLorenzo
JOHN DILORENZO, JR., OSB #802040
johndilorenzo@dwt.com
AARON STUCKEY, OSB#954322
aaronstuckey@dwt.com
CHRIS SWIFT, OSB #154291
chrisswift@dwt.com
Telephone: (503) 241-2300
Facsimile: (503) 778-5299

CHARLES M. ENGLISH, JR., DCB #386572
(*Pro Hac Vice*)
chipenglish@dwt.com
Telephone: (202) 973-4272
Facsimile: (202) 973-4499

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **PLAINTIFFS' AMENDED MOTION FOR PRELIMINARY INJUNCTION** on:

Karen L. Moynahan, OSB #954924
Chief Deputy City Attorney
Email: karen.moynahan@portlandoregon.gov
Denis M. Vannier, OSB #044406
Senior Deputy City Attorney
Email: denis.vannier@portlandoregon.gov
Office of City Attorney
1221 SW 4th Ave., Room 430
Portland, OR 97204
Telephone (503) 823-4047
Facsimile (503) 823-3089

Of Attorneys for Defendants

by emailing a copy thereof to said attorney at his/her last-known email address as set forth above; and/or
 by using CM/ECF electronic service.

Dated this 22nd day of March, 2019.

DAVIS WRIGHT TREMAINE LLP

By: /s/ John DiLorenzo
JOHN DILORENZO, JR., OSB #802040
john.dilorenzo@dwt.com
AARON STUCKEY, OSB#954322
aaron.stuckey@dwt.com
CHRIS SWIFT, OSB #154291
chris.swift@dwt.com
Telephone: (503) 241-2300
Facsimile: (503) 778-5299

CHARLES M. ENGLISH, JR., DCB #386572
(*Pro Hac Vice*)
chip.english@dwt.com
Telephone: (202) 973-4272
Facsimile: (202) 973-4499

Attorneys for Plaintiff

Page 4 CERTIFICATE OF SERVICE